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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

EXAMINER
PHUONG, DAI

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/052,814	CRESWELL ET AL.
	Examiner	Art Unit	
	Dai A. Phuong	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-28* is/are rejected.

7)☒ Claim(s) *15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Reply Appeal Brief

1.   In view of the Appeal Brief filed on 04/20/2006, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by
> another filed in the United States before the invention by the applicant for patent, except that an international application
> filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed
> in the United States only if the international application designated the United States and was published under Article
> 21(2) of such treaty in the English language.

3.   Claims 1-2, 5, 9-12, 14, 16-19, 21-23 and 25-28 are rejected under 35 U.S.C. 102(e) as

being anticipated by McConnell et al. (U.S. 6373930).

Regarding claim 1, McConnell et al. disclose a system for automated interactive

management of a communication service account (fig. 4 and fig. 5, col. 10, line 43 to col. 14,

line 47. Specifically, McConnell et al. disclose most MSCs can be programmed to recognize

service codes that represent service requests and to take a designated action in response and also

MSC 110 is programmed with an account balance service code), said account having parameters

establishing rules of use, comprising:

a server 110 (fig. 4, col. 14, lines 1-47. Specifically, McConnell et al. disclose a MSC

110 is programmed with an account balance service code); and

a data storage device 124 in communication with the server (fig. 4 and fig. 5, col. 12,

lines 13-44. Specifically, McConnell et al. disclose the SCP 124 typically includes a number of

logic modules, which may be stored in a memory (not shown) and executed by a processor (not

shown). Exemplary SCP 124 includes a base service logic module 230. Base service logic

module 230 includes functionality for decoding and encoding TCAP messages received from and

sent to MSC 110 via STP network 116), the data storage device comprising **account data** that

comprises the parameters establishing rules of use of at least one subscribed communication service, where said at least one subscribed communication service is accessible by a user device (fig. 4 and fig. 5, col. 12, lines 13-44. Specifically, McConnell et al. disclose base service logic module 230 has access to a customer service profile database 232, which contains the service profiles of mobile stations currently being served. Each mobile station may have a service profile that identifies (1) the mobile station by identification number ("MSID") or other indicia, (2) what IN services the mobile station subscribes to (e.g., call forwarding, abbreviated dialing, account balance, etc.), and (3) what service logic module to run for each service),

wherein the server is configured to receive a customer-initiated signal requesting modification of a first account parameter from said parameters and to modify the first account parameter in response to the customer-initiated signal (fig. 4, col. 14, lines 1-29. Specifically, McConnell et al. disclose in response to the dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly).

Regarding claim 2, McConnell et al. disclose all the limitation in claim 1. Further, McConnell et al. disclose the system wherein the at least one subscribed communication service is wireless telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device is a wireless telephone (fig. 4, col. 10, line 43 to col. 11, line 5), the customer-initiated signal is initiated on the user device (fig. 4, col. 14, lines 1-29), and the first account parameter is a number of calling plan minutes (col. 14, line 61 to col. 15 line 12).

Regarding claim 5, McConnell et al. disclose all the limitation in claim 1. Further, McConnell et al. disclose the system wherein the at least one subscribed communication service

is long distance telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device is a

telephone (fig. 4, col. 10, line 43 to col. 11, line 5), the customer-initiated signal is initiated on

the user device (fig. 4, col. 14, lines 1-29), and the first account parameter is a number of calling

plan minutes col. 14, line 61 to col. 15 line 12).

Regarding claim 9, McConnell et al. disclose all the limitation in claim 1. Further,

McConnell et al. disclose the system wherein the server is further configured to receive a

customer-initiated identifying signal identifying the user device, to retrieve the first account

parameter in response to the identifying signal, and to issue, in response to the identifying signal

(col. 14, lines 1-60) and for communication to the customer, a response signal comprising at least

part of the first account parameter (col. 18, lines 14-59).

Regarding claim 10, McConnell et al. disclose all the limitation in claim 9. Further,

McConnell et al. disclose the system wherein the server is further configured to identify the type

of user device (col. 14, lines 1-60), and to issue the response signal in a form optimized for the

user device (col. 18, lines 14-59).

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 14, McConnell et al. disclose all the limitation in claim 10. Further,

McConnell et al. disclose the system wherein the server is further configured to update the first

account parameter based up on use of the at least one subscribed communication service by the

user device, and the server is further configured to, upon the first account parameter reaching a

first predetermined value, automatically reset the first account parameter to a second

predetermined value (col. 15, line 65 to col. 16, line 20).

Regarding claim 16, McConnell et al. disclose all the limitation in claim 14. Further, McConnell et al. disclose the system wherein the server is further configured, upon receipt of a customer-initiated cancellation signal, to not automatically reset the first account parameter to a second predetermined value (col. 18, line 15 to col. 20, line 65).

Regarding claim 17, McConnell et al. disclose an automated method of managing communication service accounts comprising: maintaining a database comprising account parameters, wherein at least one account parameter establishes rules by which a customer's user device may use at least one subscribed communication service at designated times (fig. 4 and fig. 5, col. 12, lines 13-44. Specifically, McConnell et al. disclose the service profile may also include certain service parameters specifying the operation of one or more of the services to which the mobile station subscribes); receiving a customer-initiated signal requesting modification of the at least one account parameter (fig. 4, col. 14, lines 1-29); modifying the at least one account parameter in response to the customer-initiated signal (fig. 4, col. 14, lines 1-29. Specifically, in response to the dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly); and updating the database to reflect modification of the at least one account parameter (fig. 4, col. 14, lines 1-29. Specifically, in response to the dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly).

Regarding claim 18, McConnell et al. disclose all the limitation in claim 17. Further, McConnell et al. disclose the method wherein the at least one subscribed communication service is wireless telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device

is a wireless telephone (fig. 4, col. 10, line 43 to col. 11, line 5), the first account parameter comprises a preset amount of service usage time during a first period (col. 20, line 66 to col. 21, line 40), and the first account parameter is modified to decrease the preset amount of service usage time during the first period (col. 15, line 66 to col. 16, line 20) and increase a preset amount of service usage time during a second period (col. 20, line 66 to col. 21, line 40).

Regarding claim 19, McConnell et al. disclose all the limitation in claim 17. Further, McConnell et al. disclose the method wherein the at least one subscribed communication service is long distance telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device is a telephone (fig. 4, col. 10, line 43 to col. 11, line 5), the first account parameter comprises a preset amount of service usage time during a first period (col. 15, line 66 to col. 16, line 20), and the first account parameter is modified to decrease the preset amount of service usage time during the first period (col. 15, line 66 to col. 16, line 20) and increase a preset amount of service usage time during a second period (col. 20, line 66 to col. 21, line 40).

Regarding claim 21, McConnell et al. disclose all the limitation in claim 17. Further, McConnell et al. disclose the method further comprising the steps of receiving a customer-initiated identifying signal identifying the user device (col. 14, lines 1-29); retrieving at least one account parameter in response to the identifying signal (col. 14, lines 1-29); issuing, in response to the identifying signal (col. 14, lines 1-29) and for communication to the user device, a response signal comprising at least part of the retrieved account parameter (col. 14, lines 1-29); and querying whether an account modification is desired (col. 14, lines 1-29).

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 25, McConnell et al. disclose an automated method of managing communication service accounts (fig. 4 and fig. 5, col. 10, line 43 to col. 14, line 47. Specifically, McConnell et al. disclose most MSCs can be programmed to recognize service codes that represent service requests and to take a designated action in response and also MSC 110 is programmed with an account balance service code), comprising:

maintaining a first database comprising account parameters establishing rules of use for at least two types of subscribed communication service, wherein a first account parameter establishes rules by which a first type subscribed communication service may be accessed at designated times (fig. 4 and fig. 5, col. 12, lines 13-44. Specifically, McConnell et al. disclose base service logic module 230 has access to a customer service profile database 232, which contains the service profiles of mobile stations currently being served. Each mobile station may have a service profile that identifies (1) the mobile station by identification number ("MSID") or other indicia, (2) what IN services the mobile station subscribes to (e.g., call forwarding, abbreviated dialing, account balance, etc.), and (3) what service logic module to run for each service);

maintaining a second database comprising account parameters establishing rules of use, wherein a second account parameter establishes rules by which a second type subscribed communication service may be accessed at designated times (fig. 4 and fig. 5, col. 12, lines 13-44. It should be noted that the communication network includes two or more mobile stations, e.g., first mobile station and second mobile station. Each mobile station has an individual profile which store in database 232);

receiving a customer-initiated signal requesting modification of at least one of the first and second account parameters (fig. 4, col. 14, lines 1-29. Specifically, in response to the dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly); modifying, in response to the customer-initiated signal, the first parameter to change a preset amount of first service usage time during a first period (fig. 4, col. 14, lines 1-29. Specifically, in response to the dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly);

modifying, in response to the customer-initiated signal, the second parameter to change a preset amount of second service usage time during a second period (fig. 4, col. 14, lines 1-29. Specifically, in response to the dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly); and

updating at least one of the first and second databases to reflect modification of the first and second account parameters (fig. 4, col. 14, lines 1-29. Specifically, in response to the dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly).

Regarding claim 26, McConnell et al. disclose all the limitation in claim 25. Further, McConnell et al. disclose the method wherein the first and second databases are pad of a single database (col. 12, lines 13-44).

Regarding claim 27, McConnell et al. disclose system for automated interactive management of a communication service account (fig. 4 and fig. 5, col. 10, line 43 to col. 14, line 47. Specifically, McConnell et al. disclose most MSCs can be programmed to recognize service codes that represent service requests and to take a designated action in response and also MSC 110 is programmed with an account balance service code), comprising:

a server110 (fig. 4, col. 14, lines 1-47. Specifically, McConnell et al. disclose a MSC 110 is programmed with an account balance service code); and

a data storage device in communication with the server, the data storage device comprising account data that comprises parameters establishing rules of use that control the terms by which a plurality of user devices may obtain at least one subscribed communication service (fig. 4 and fig. 5, col. 12, lines 13-44. It should be noted that the communication network includes two or more mobile stations, e.g., first mobile station and second mobile station. Each mobile station has an individual profile which store in database 232),

wherein the server is configured to update a first account parameter based on use of the communication by the plurality of user devices (fig. 4, col. 14, lines 1-29. Specifically, in response to the dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly),

to receive a customer-initiated signal requesting modification of the first account parameter (fig. 4, col. 14, lines 1-29. Specifically, in response to the dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by reference to table 210 that the call is an account balance call and may treat the call accordingly),

to query the database and determine if the first account parameter is a modifiable

account parameter that may be modified in response to a customer-initiated signal (fig. 4, col.

14, lines 1-29. Specifically, in response to the dialed digits *65-555-677-1494, switching logic

module 202 in MSC 110 may determine by reference to table 210 that the call is an account

balance call and may treat the call accordingly), and to modify the first account parameter if it is

a modifiable account parameter (fig. 4, col. 14, lines 1-29. Specifically, in response to the

dialed digits *65-555-677-1494, switching logic module 202 in MSC 110 may determine by

reference to table 210 that the call is an account balance call and may treat the call accordingly).

Regarding claim 28, McConnell et al. disclose all the limitation in claim 27. Further,

McConnell et al. disclose the method wherein the at least one subscribed communication

service is wireless telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the plurality of

user devices comprises a group of wireless telephones (fig. 4, col. 10, line 43 to col. 11, line 5),

the first account parameter comprises a set of calling plan minutes from which each of the

plurality of user devices may draw (col. 14, lines 61 to col. 15, lines 12), and the customer-

initiated signal comprises a group administrator access code (fig. 4, col. 14, lines 1-29).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of
this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McConnell et al. (U.S. 6373930) in view of Resnick et al. (Pub. No: 20010001321).

Regarding claim 3, McConnell et al. disclose all the limitation in claim 1. Further, McConnell et al. disclose the system wherein the at least one subscribed communication service is wireless telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device is a wireless telephone (fig. 4, col. 10, line 43 to col. 11, line 5), and the first account parameter is a number of calling plan minutes (col. 14, line 61 to col. 15 line 12). However, McConnell et al. do not disclose the customer-initiated signal is initiated on a device that is not the user device.

In the same field of endeavor, Koch et al. disclose the customer-initiated signal is initiated on a device that is not the user device ([0023] and [0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of McConnell et al. by specifically including the customer-initiated signal is initiated on a device that is not the user device, as taught by Resnick et al., the motivation being in order to provide a stored value intermediary account to implement a centralized payment system.

Regarding claim 4, the combination of McConnell et al. and Resnick et al. disclose all the limitation in claim 3. Further, Resnick et al. disclose the system wherein the customer-initiated signal is initiated on a personal computer ([0026]).

Regarding claim 6, McConnell et al. disclose all the limitation in claim 1. Further, McConnell et al. disclose the system wherein the at least one subscribed communication service is wireless telephone service (fig. 4, col. 10, line 43 to col. 11, line 5), the user device is a wireless telephone (fig. 4, col. 10, line 43 to col. 11, line 5), and the first account parameter is a number of calling plan minutes (col. 14, line 61 to col. 15 line 12). However,

McConnell et al. do not disclose the customer-initiated signal is initiated on a device that is not the user device.

In the same field of endeavor, Koch et al. disclose the customer-initiated signal is initiated on a device that is not the user device ([0023] and [0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of McConnell et al. by specifically including the customer-initiated signal is initiated on a device that is not the user device, as taught by Resnick et al., the motivation being in order to provide a stored value intermediary account to implement a centralized payment system.

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 4.

6.   Claims 8, 13, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell et al. (U.S. 6373930) in view of Burton et al. (Pub. No: 20020055878).

Regarding claim 8, McConnell et al. disclose all the limitation in claim 1. However, McConnell et al. do not disclose the system wherein the at least one subscribed communication service shares a communication medium with cable television transmission and the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone.

In the same field of endeavor, Burton et al. disclose the system wherein the at least one subscribed communication service shares a communication medium with cable television transmission and the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone ([0107]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of McConnell et al. by specifically including

the system wherein the at least one subscribed communication service shares a communication medium with cable television transmission and the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone, as taught by Resnick et al., the motivation being in order to provide on-line ordering service to purchasers.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 8. Regarding claim 20, McConnell et al. disclose all the limitation in claim 17. Further, McConnell et al. disclose the method the first account parameter comprises a preset amount of service usage time during a first period (col. 15, line 66 to col. 16, line 20), and the first account parameter is modified to decrease the preset amount of service usage time during the first period (col. 15, line 66 to col. 16, line 20) and increase a preset amount of service usage time during a second period (col. 20, line 66 to col. 21, line 40). However, McConnell et al. do not disclose the method wherein the at least one subscribed communication service shares a communication medium with cable television transmission, the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone.

In the same field of endeavor, Burton et al. disclose the method wherein the at least one subscribed communication service shares a communication medium with cable television transmission, the user device is one of a personal computer, a set top box, an interactive television, and a VoIP telephone ([0107]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of McConnell et al. by specifically including the method wherein the at least one subscribed communication service shares a communication medium with cable television transmission, the user device is one of a personal computer, a set

top box, an interactive television, and a VoIP telephone, as taught by Resnick et al., the

motivation being in order to provide on-line ordering service to purchasers.

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 8.

Reasons Subject Matter

7.   Claims 15 are objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Regarding claim 15, the prior art record does not disclose nor fairly suggest *the system wherein*

the at least one subscribed communication service is wireless telephone service, the user

device is a wireless telephone, the first account parameter is a number of calling plan

minutes, the server is configured to update the number of calling plan minutes based upon

the user device placing wireless telephone calls, the first predetermined value is a minimum

calling plan minute threshold, and the second predetermined value is larger than the first

predetermined value.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The
examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 06-27-2006

DUC NGUYEN
PRIMARY EXAMINER